

CIVIL DEFENSE – CHAPTER 31

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CHAPTER 31 - CIVIL DEFENSE ORDINANCE

Section 31-100. POLICY AND PURPOSE. Because of the possibility of man-made and natural disasters, and in order to insure that preparations of this City will be adequate to deal with such disasters, and generally to provide for the common defense and to protect the public peace, health, and safety, and to preserve the lives and property of the people of this City, it is hereby found and declared to be necessary to maintain a local civil defense department, and to provide for the exercise of necessary powers during civil defense emergencies and in time of disaster.

It is further declared to be the purpose of this ordinance and the policy of the City that all civil defense functions of this City be coordinated to the maximum extent practicable with the comparable functions of the Federal Government, of this State, of Hennepin County, and of other states and localities, and of private agencies of every type, to the end that the most effective preparations and use may be made of available manpower, resources, and facilities for dealing with any disaster that may occur.

Section 31-110. DEFINITIONS. The language set forth in the text of this ordinance shall be interpreted in accordance with the following definitions:

1. Civil Defense - means the preparation for, and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize and repair injury and damage resulting from destruction caused by enemy attack or other hostile actions, or from disaster. These functions include without limitation, firefighting services, police services, medical and health services, rescue, engineering and warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public services, and other functions related to civilian protection, together with all other activities necessary or incidental to preparation for or carrying out of the foregoing functions.
2. Civil Defense Emergency - means an area wide emergency declared by the governor under Minnesota Statutes, Section 12.31, or a local emergency proclaimed by the mayor of Brooklyn Center according to Section 32-200 of this ordinance.
3. Civil Defense Forces - means personnel regularly employed by the City of Brooklyn Center and volunteers and paid members of the Brooklyn Center Civil Defense Department engaged in carrying on Civil Defense functions in accordance with the provisions of this ordinance and any order issued thereunder.
4. Disaster - means any flood, landslide, drought, fire, tornado, explosion, accident, earthquake, storm, physical catastrophe, damage or destruction as result of cataclysm of nature, or aftermath of a disturbance which is or threatens to be of sufficient severity and magnitude to require efforts in alleviating the damage, hardship or suffering, or the potential of any of these, that is greater than that which a community, with its regular personnel or resources, is capable of managing.

Section 31-120. CONTINUATION OF CIVIL DEFENSE DEPARTMENT. Pursuant to Section 6.03 of the city charter, the Brooklyn Center city council, in order to protect the lives and property and to promote the general health, safety and welfare of its citizens, does hereby determine to continue a department of City government to be known as the Brooklyn Center civil defense department.

Section 31-130. DEPARTMENT ORGANIZATION. The department of civil defense shall be organized, staffed, and administered in accordance with the charter of the City of Brooklyn Center and all personnel shall be appointed or removed by the city manager. The city manager shall serve as director of civil defense and may appoint a civil defense coordinator to perform the day-to-day administration and operation of the department.

Section 31-140. CIVIL DEFENSE PLAN. The director shall prepare a comprehensive general plan for the civil defense of Brooklyn Center and shall present such plan to the city council for its approval. When the city council has approved the plan by resolution, it shall be the duty of all municipal agencies and all civil defense forces of the City to perform the duties and functions assigned by the plan. The plan may be modified in like manner from time to time. The director shall coordinate the civil defense activities of the City to the end that they shall be consistent and fully integrated with the civil defense plan of the Federal Government and of the State of Minnesota.

Section 31-150. TRAINING AND INFORMATION. In accordance with the State and City civil defense plan, the director shall institute such training programs and public information programs and shall take all other preparatory steps, including the partial or full mobilization of civil defense forces in advance of actual emergency or disaster, as may be necessary to prompt and effect implementation of the civil defense plan in time of civil defense emergency or disaster. He may, from time to time, conduct such practice alerts or other civil defense exercises as he may deem necessary.

Section 31-160. UTILIZATION OF CITY GOVERNMENT RESOURCES. The director shall utilize the personnel, services, equipment, supplies, and facilities of existing departments and divisions of the City to the maximum extent practicable. The officers and personnel of all such departments and divisions shall, to the maximum extent practicable, cooperate with and extend such services and facilities to the civil defense department. The head of each department and division shall assist with the planning and programming of those civil defense activities which will involve the utilization of the facilities of his department or division.

Section 31-170. VOLUNTEER EMERGENCY PERSONNEL. The director shall, in cooperation with existing City departments and divisions affected, organize, recruit, and cause to be trained volunteer fallout shelter managers, radiological monitors, auxiliary police, auxiliary fire-rescue personnel, emergency medical personnel, and any other personnel that may be required on a volunteer basis to carry out the civil defense plan of the City of Brooklyn Center. To the extent that such emergency personnel are recruited to augment a regular City department or division for civil defense emergencies or disasters, they shall be assigned by the director to such department or division for purposes of training and emergency augmentation. Except as they may individually otherwise volunteer, civil defense emergency personnel shall be called into service only in cases of a civil defense emergency or disaster or for necessary training and preparation for such emergencies. All volunteers shall serve without compensation.

Section 31-180. IDENTIFICATION OF EMERGENCY PERSONNEL. Each civil defense volunteer shall be provided with such suitable insignia or other identification as may be required by the director. Such identification shall be in a form and style approved by the Federal Government. No volunteer shall exercise any authority over the person or property of others without his identification. No person except an authorized volunteer shall use the identification of a civil defense volunteer or otherwise represent himself to be an authorized civil defense volunteer.

Section 31-190. FIREARMS. No civil defense volunteer shall carry any firearms while on duty except during a civil defense emergency or disaster and then only upon authority of the city manager.

Section 31-200. DECLARATION OF LOCAL EMERGENCY. Whenever necessary to meet a local emergency or disaster, the mayor may so declare an emergency authorizing activation of the civil defense plan.

Section 31-210. EMERGENCY REGULATIONS. Whenever necessary to meet a civil defense emergency or disaster or to prepare for such an emergency or disaster for which adequate regulations have not been adopted by the governor or the city council, the mayor may by proclamation promulgate regulations, consistent with applicable Federal or State law or regulation, respecting: protection against nuclear missiles; the sounding of attack warning; the conduct of persons and the use of property during emergencies; the repair, maintenance, and safeguarding of essential public services; emergency health, fire, and safety provisions; and all other matters which are required to protect public safety, health, and welfare in civil defense emergencies.

Every proclamation of emergency regulations shall be in writing and signed by the mayor, shall be dated, shall refer to the particular civil defense emergency or disaster to which it pertains, and shall be filed in the office of the city clerk, where a copy shall be kept posted and available for public inspection during business hours. Notice of the existence of such regulation and its availability for inspection at the clerk's office shall be conspicuously posted at the City hall and at such other places in the affected area as the mayor shall direct. Thereupon, the regulation shall take effect immediately or at such later time as may be specified in the proclamation. By like proclamation, the mayor may modify or rescind any such regulation.

Section 31-220. EXPIRATION OF EMERGENCY REGULATIONS. The city council may rescind any proclaimed emergency regulations by resolution at any time. If not sooner rescinded, every such emergency regulation shall expire at the end of 30 days after its effective date or at the end of the civil defense emergency or disaster to which it relates, whichever occurs first. Any ordinance, rule, or regulation inconsistent with an emergency regulation promulgated by the mayor shall be suspended during the period of time and to the extent that such conflict exists.

Section 31-230. PARTICIPATION IN POLITICS. The civil defense department shall not participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes.

Section 31-240. CIVIL DEFENSE, A GOVERNMENTAL FUNCTION. All functions hereunder and all other activities relating to civil defense are hereby declared to be governmental functions.

Section 31-250. PENALTIES. Whoever does any act or omits to do any act which constitutes a breach of any section of this chapter, shall, upon conviction thereof by lawful authority, be punished by a fine not to exceed one thousand dollars (\$1,000) and by imprisonment not to exceed ninety (90) days or both, together with the costs of prosecution. No provision of this chapter designating the duties of any official or employee of the City shall be so construed as to make such official or employee liable for the penalty provided in this section for failure to perform such duty, unless the intention of the city council to impose such penalty on such official or employee is specifically and clearly expressed in the section creating the duty.